

AMENDED IN SENATE JULY 17, 2007
AMENDED IN ASSEMBLY JUNE 4, 2007
AMENDED IN ASSEMBLY APRIL 11, 2007
AMENDED IN ASSEMBLY FEBRUARY 21, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 70

Introduced by Assembly Member Jones

December 4, 2006

An act to add Section 8307 to the Water Code, relating to flood liability.

LEGISLATIVE COUNSEL'S DIGEST

AB 70, as amended, Jones. Flood liability.

Existing law, under various circumstances, subjects a public entity or an employee of a public entity to liability for property damage or personal injury caused by or from floods or floodwaters.

This bill would provide that a city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the local public entity increases the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area, as defined, that is protected by a state flood control project and if it is determined that the city or county failed to comply with other applicable provisions of existing law.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 8307 is added to the Water Code, to read:

8307. (a) A city or county may be required to contribute its fair and reasonable share of the property damage caused by a flood to the extent that the city or county increases the state's exposure to liability for property damage by unreasonably approving new development in a previously undeveloped area that is protected by a state flood control project and if it is determined that the city or county failed to comply with other applicable provisions of existing law.

(b) For the purposes of this section:

(1) "State flood control project" means any flood control works within the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section ~~12468~~ 12648) of Chapter 2 of Part 6 of Division 6.

(2) "Undeveloped area" means an area devoted to "agricultural use," as defined in Section 51201 of the Government Code, or "open space land," as defined in Section 65560 of the Government Code, which is not already designated for development in a general or specific plan or by a local zoning ordinance.